

Buchanan Ingersoll PC

ATTORNEYS

Bryan H. Opalko
412 562 1893
opalkobh@bipc.com

One Oxford Centre
301 Grant Street, 20th Floor
Pittsburgh, PA 15219-1410
T 412 562 8800
F 412 562 1041
www.buchananingersoll.com

June 16, 2005

VIA FACSIMILE TRANSMISSION AND U.S. MAIL

Jennifer L. Miller, Esquire
Blank Rome, LLP
One Logan Square
18th & Cherry Streets
Philadelphia, PA 19103-6998

Re: **Haynes International, Inc. v. Electralloy**
Our Reference No.: 030447

Dear Jennifer:

Pursuant to my voice mail of today, we are currently in the process of obtaining available dates for Paul Manning (Rule 30(b)(6) deponent also), Jim Laird and Lee Flowers. Two of these individuals are currently traveling in Europe, and we should have available dates for these deponents to you early next week. Please provide us with available deposition dates for Electralloy's Rule 30(b)(6) deponent, Mike Lewis, Wayne Weaver and Tracy Rudolph at your earliest convenience.

Additionally, we disagree with your contention that the depositions of Manning, Laird and Flowers will take place in Pittsburgh, Pennsylvania. Deponents Manning, Laird and Flowers are being deposed as officers or agents of Haynes International, Inc. As a general rule, the deposition of the officers and agents of a corporation should be taken at their principal place of business. See Salter v. Upjohn Company, 593 F.2d 649, 651 (5th Cir. 1979); Trans Pacific Insurance Company v. Trans Pacific Insurance Company, 136 F.R.D. 385, 392 (E.D. Pa. 1990); C. Wright & A. Miller, Federal Practice and Procedure Civil 2d, § 2112 at 81-82 (1994).

We have reviewed the case cited in your May 10, 2005 letter (McClain v. Camouflage Assocs., No. Civ. A. 94-0994, 1994 WL 105814, at *1 (E.D. Pa. Mar. 25, 1994)), and that case is not controlling. In McClain, the case was brought by an individual, and the court held that the plaintiff must make himself available for deposition in the district in which he has brought suit. In the present case, Haynes International, Inc. is the plaintiff. Deponents Manning, Laird and Flowers are testifying as officers or agents of the plaintiff corporation. Pursuant to standing case law, the deposition of corporate agents and officers should be taken at the corporation's principal place of business.



Jennifer L. Miller, Esquire
Blank Rome, LLP
June 16, 2005
Page - 2 -

The principal place of business of Haynes International, Inc. is Kokomo, Indiana. Deponents Manning, Laird and Flowers all reside in or around Kokomo, Indiana. Therefore, the dates we will be providing early next week are the dates when these deponents will be available for deposition in Kokomo, Indiana.

Finally, we have not received a response to our May 3, 2005 letter regarding certain defects and deficiencies in Defendant's discovery responses. Please advise when we can expect to receive your response.

If you have any questions, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bryan H. Opalko", with a long horizontal flourish extending to the right.

Bryan H. Opalko

BHO/lag

cc: Lynn J. Alstadt, Esquire

1759303\1